

**BILL #** HCR 2030

**TITLE:** English as official language

**SPONSOR:** Pearce

**STATUS:** House Engrossed

**REQUESTED BY:** House

**PREPARED BY:** Eric Jorgensen

## **FISCAL ANALYSIS**

### **Description**

On the approval of the voters of the state, this bill would repeal the current Article XXVIII of the Arizona Constitution and replace it with a new article. This article would make English the official language of Arizona and require that all official business be conducted in English. The principal exclusions to this provision are for international trade and tourism, to protect the public health and safety, or as provided by federal law.

### **Estimated Impact**

JLBC Staff estimates that the bill could result in savings due to reduced translation and production expenses. There is limited information on these costs. In response to a statewide survey, twenty-seven agencies have reported that their translation and production expenses of non-English documents is between \$15,700 and \$151,300 annually. As a result, it is difficult to extrapolate these estimates to a statewide total. These amounts, however, include some expenditures that would continue to be permitted based on the bill's exclusions for international trade and tourism, to protect public health and safety, and for federal law.

The state could also incur litigation expenses in defending this legislation. The Attorney General has no estimate of this cost.

### **Analysis**

While several factors might create new costs or savings, this analysis focuses on two specific issues. The first issue is a savings associated with printing official government documents. As HCR 2030 indicates that only documents in English would be considered official, a savings would occur as state agencies stopped publishing non-English documents. JLBC Staff has received reports from 27 state agencies in response to a statewide survey on the cost of publishing documents in a language other than English. Of the agencies that responded, \$15,700 was identified as translation costs that would be cut under this legislation. These agencies also identified \$135,600 as related production costs. Some of these costs may also be saved; however, some of these production costs may shift to increased production of English documents to meet increased demand. The responses received to date are summarized in the following table:

<b>Agency</b>	<b>Non-Federal Mandated Expenses</b>	
	<b>Costs to Translate</b>	<b>Costs to Produce</b>
Administration, Arizona Department of	\$4,600	\$7,287
Agriculture, Department of	0	0
Auditor General	0	0
Banking Department, State	0	110
Corrections, Department of	0	0
Economic Security, Department of	0	0
Education, Department of	0	0
Emergency and Military Affairs, Department of	0	0
Environmental Quality, Department of	0	18,086
Game and Fish Department, Arizona	500	1,500
Gaming, Department of	35	615

Government Information Technology Agency	0	0
Health Services, Department of	12,006	95,304
Insurance, Department of	0	1,555
Land Department, State	0	0
Library, Archives & Public Records, Arizona State	0	2
Liquor Licenses and Control, Department of	0	0
Lottery Commission, Arizona State	0	10,000
Mines and Mineral Resources, Department of	0	10
Parks Board, Arizona State	1,793	0
Public Safety, Department of	0	4,000
Racing, Department of	0	1,000
Real Estate Department, State	0	0
Revenue, Department of	0	0
Tourism, Office of	1,168	3,324
Transportation, Department of	0	0
Water Resources, Department of	0	0
Weights and Measures, Department of	170	107
<b>Total</b>	<b>\$15,672</b>	<b>\$135,613</b>

The second issue is the cost of litigation. In 1988, Proposition 106 added Article XXVIII to the Arizona Constitution, declaring English the official language of Arizona. This amendment was challenged in court. Similar measures in other states, including California, have also received legal challenges. It is likely that this measure would receive a similar legal challenge. JLBC Staff has requested that the Attorney General's Office report on the cost of defending the 1988 Proposition 106; however, at this time the Attorney General's Office is unable to provide those figures. In addition, the Attorney General's Office has no cost estimate of defending the implementation of the proposition described in HCR 2030.

### **Local Government Impact**

As HCR 2030 would also apply to local governments, there is a potential for savings. Only the Graham County Board of Supervisors reported on document production costs, indicating no publications would be affected. However, as the state, not the local governments, would defend the measure in the event of litigation, local governments would not incur legal costs.

3/31/05